

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

**GEORGIA SOUTHWESTERN RAILROAD,  
INC., a Corporation,**

**Plaintiff**

**v.**

**CASE NO. 2:06cv3-DRB**

**AMERICUS C. MITCHELL, JR.,  
an Individual,**

**Defendant.**

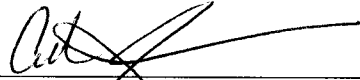
**MOTION FOR LEAVE TO AMEND COMPLAINT**

**COMES NOW** the Plaintiff Georgia Southwestern Railroad, by and through the undersigned counsel in the above-referenced matter, and respectfully requests this Honorable Court grant the Plaintiff leave to amend its complaint, pursuant to the provisions of Rule 15(a) of the *Federal Rules of Civil Procedure*, and in support thereof, Plaintiff would submit the following:

1. During the discovery phase of the present litigation, Plaintiff has discovered that it has additional claims for loss of use of the railway that were not originally pled in the initial complaint. Plaintiff's damages for the loss of use of the railway were not encompassed in the damages originally pled in the complaint.

**WHEREFORE PREMISES CONSIDERED**, Plaintiff Georgia Southwestern Railroad respectfully requests this Honorable Court grant the Plaintiff leave to amend its complaint to reflect an additional claim for loss of use pursuant to the provisions of Rule 15(a) of the Federal Rules of Civil Procedure.

**RESPECTFULLY SUBMITTED** this 7<sup>th</sup> day of September, 2006.

A handwritten signature in black ink, appearing to read 'Adrian D. Johnson', is written over a horizontal line.

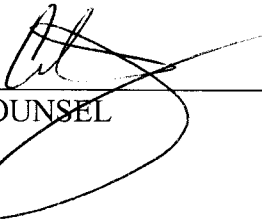
ADRIAN D. JOHNSON  
ATTORNEY FOR PLAINTIFF  
ATTORNEY CODE: JOH172

OF COUNSEL:  
PARNELL & CRUM, P.A.  
P.O. Box 2189  
Montgomery, AL 36102-2189  
(334) 832-4200

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing has been served upon the below listed party by placing a copy of same via facsimile and by United States Mail, postage prepaid and properly addressed this the 7<sup>th</sup> day of September, 2006:

D. Craig Allred  
David E. Allred, P.C.  
P.O. Box 241594  
Montgomery, Alabama 36124-1594

  
\_\_\_\_\_  
OF COUNSEL

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**ORDER**

This matter comes before the Court on Plaintiff Georgia Southwestern Railroad's Motion for Leave to Amend its complaint. The Court finds that the motion is well taken and is due to be granted. Therefore, it is hereby **ORDERED, ADJUDGED and DECREED** that Plaintiff Georgia Southwestern Railroad is granted leave to amend its complaint and that said amended complaint shall be filed within 14 days from the date of this Court's Order.

**DONE and ORDERED** this the \_\_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
U.S. DISTRICT COURT JUDGE

Adrian D. Johnson, Esq.  
D. Craig Allred, Esq.